

Exhibit A

Complaint

STATE OF VERMONT

SUPERIOR COURT
WINDSOR Unit

CIVIL DIVISION

Docket No. *23-CV-05079*CRAIG PIFER,
Plaintiff,

v.

REQUEST FOR JURY TRIAL

IMERY'S TALC VERMONT, INC.,
and MAGRIS TALC USA, INC.
*Defendants.*COMPLAINT

Plaintiff Craig Pifer, by and through his attorneys, Shillen Mackall & Seldon Law Office, P.C., complains and alleges against defendants, Imery's Talc Vermont, Inc. and Magris Talc USA, Inc., as follows:

INTRODUCTION

1. This action arises from personal injuries and damages sustained by Plaintiff Craig Pifer from the negligent maintenance of the premises located at 73 East Hill Road, Ludlow, Vermont on or about February 6, 2020.

PARTIES AND JURISDICTION

2. This is an action for damages, the amount of which exceeds the minimum jurisdictional requirements of this Court.

3. Plaintiff Craig Pifer is a resident of the State of Indiana who sustained injuries while lawfully on the premises at 73 East Hill Road, Ludlow, Vermont on or about February 6, 2020:

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4. At all times material hereto, Defendant Imerys Talc Vermont, Inc. was a corporation that conducted business in the state of Vermont, and owned the premises located at 73 East Hill Road, Ludlow, Vermont ("Premises").

5. Upon information and belief, Defendant Magris Talc USA, Inc. is the successor in interest of Defendant Imerys Talc Vermont, Inc. and assumed the liabilities of Defendant Imerys Talc Vermont, Inc. for claims such as those asserted herein.

GENERAL ALLEGATIONS

6. At all times material hereto, Defendant Imerys Talc Vermont, Inc. operated a business at the Premises, which contained a facility with a loading dock as well as a loading dock apron space for tractor trailers to maneuver to and park at the loading dock.

7. At all times material hereto, Plaintiff Craig Pifer was employed as a truck driver and, in that capacity, he was responsible for receiving a shipment from Defendant Imerys Talc Vermont, Inc. at the Premises.

8. Upon information and belief, Defendant Imerys Talc Vermont, Inc. was on notice that a truck driver, such as Plaintiff Craig Pifer, would be arriving at the Premises to receive a shipment at approximately 4:15 pm on or about February 6, 2020.

9. At approximately 4:15 pm on or about February 6, 2020, Plaintiff Craig Pifer arrived at the Premises in a tractor trailer to receive a shipment from Defendant Imerys Talc Vermont, Inc.

10. At all times material hereto, the Premises, including the loading dock apron space where Mr. Pifer was expected to be, was covered by a layer of ice and/or snow and presented an unreasonable risk of slipping, falling, and causing harm to Mr. Pifer.

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11. At all times material hereto, Defendant Imerys Talc Vermont, Inc. knew or in the exercise of reasonable care should have known that the Premises was in an unreasonably dangerous condition and in need of wintertime maintenance.

12. Defendant Imerys Talc Vermont, Inc. had ample opportunity to clear the accumulation of snow and/or ice or otherwise make reasonably safe the Premises or warn of the dangerous condition of the Premises prior to Plaintiff Craig Pifer's arrival.

13. After arriving at the Premises, Plaintiff Craig Pifer was required to exit the cab of the tractor trailer and traverse the Premises to open the trailer doors in preparation for backing to the loading dock at the Premises.

14. While traversing the Premises, Plaintiff Craig Pifer slipped on a wintry mix of snow and/or ice and fell with such force as to cause him to suffer serious physical injuries, and resulted in Plaintiff Craig Pifer suffering severe pain, physical limitations, financial losses, permanent impairment, and disfigurement. Moreover, Plaintiff Craig Pifer will continue to suffer the same for the remainder of his life.

CAUSE OF ACTION: NEGLIGENCE

15. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 14 above as though fully set forth herein.

16. At all times material hereto, Defendant Imerys Talc Vermont, Inc. owed to Plaintiff Craig Pifer a duty to use reasonable diligence to maintain the Premises in a reasonably safe and suitable condition and to exercise reasonable care to protect Plaintiff Craig Pifer against danger presented by the condition of the Premises.

17. At all times material hereto, Defendant Imerys Talc Vermont, Inc. breached the duty owed to Plaintiff Craig Pifer by, among other acts and omissions:

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- a. Failing to take reasonable inspections of the Premises to ensure it was in a reasonably safe condition;
- b. Failing to take such reasonable steps as necessary to remedy the dangerous condition on the Premises within a reasonable time;
- c. Failing to warn Plaintiff Craig Pifer of the unreasonably dangerous condition of the Premises;
- d. Representing that the Premises and the areas thereon were in a reasonably safe condition for intended or apparent uses and functions;
- e. Failing to exercise reasonable care to protect Plaintiff Craig Pifer against the danger presented by the condition of the Premises.

18. Defendant Imerys Talc Vermont, Inc.'s breach of duty directly and proximately caused Plaintiff Craig Pifer to sustain injuries and/or damages.

19. Defendant Imerys Talc Vermont, Inc. and Defendant Magris Talc USA, Inc. are liable for Plaintiff Craig Pifer's injuries and/or damages as alleged herein.

WHEREFORE, Plaintiff Craig Pifer, sues the defendants, Imerys Talc Vermont, Inc. and Magris Talc USA, Inc., for damages together with costs and attorney fees incurred herein, and further demands a trial by jury of all issues triable as a matter of right.

DATED at Woodstock, Vermont, this 6th day of January, 2023.

Respectfully submitted by:
Craig Pifer, *Plaintiff*

BY AND THROUGH HIS ATTORNEYS,
Shillen Mackall & Seldon Law Office, P.C.

by: 

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